

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTONIO PEARSON,	:
Plaintiff	:
v.	:Case No. 3:12-cv-110-KRG-KAP
BUREAU OF CORRECTIONS INDUSTRY,	:
<u>et al.</u> ,	:
Defendants	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on November 9, 2012, docket no. 24, recommending that defendant Coby Electronics Corporation's motion to dismiss, docket no. 19, be granted.

The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. After his time to respond to the motion to dismiss had expired and the Report and Recommendation had been filed, plaintiff filed a motion for extension of time to file a response to the motion to dismiss, docket no. 25. He has not, in the two weeks since then, filed objections to the Report and Recommendation, and the time to do so has expired.

After de novo review of the record and the Report and Recommendation despite the lack of objections, and noting that the plaintiff filed a premature interlocutory appeal from my previous order at docket no. 16, the following order is entered:

AND NOW, this 3rd day of December, 2012, it is

ORDERED that the moving defendants' motion to dismiss, docket no. 19, is granted. The Report and Recommendation is adopted as the opinion of the Court. Plaintiff's complaint is dismissed without prejudice under Fed.R.Civ.P. 4(m) for failure to serve defendants and file a timely return of service as to all defendants, except for the moving defendants and the defendants previously dismissed at docket no. 16. Dismissal as to those defendants is with prejudice. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Antonio Pearson BL-0521
S.C.I. Coal Township
1 Kelley Drive
Coal Township, PA 17866-1021